

Amendment to House Bill 14

Requested by Representative \_\_\_\_\_

For the House Appropriations Committee

Prepared by \_\_\_\_\_

March \_\_, 2007

**Insert: NEW SECTION. Section X-1. Restrictions on expenditure of Northern Tier Network Expansion Appropriation.** (1) All expenditures of the northern tier network expansion appropriation for the statewide telecommunications network as defined in 2-17-506 must be in accordance with the provisions of the Montana Procurement Act.

(2) A Request for Information shall be issued to assist in determining the most cost-effective and scalable network that meets the state and university needs.

(3) The statewide telecommunications network is limited to use by state government agencies, political subdivisions, and other participating entities to support their program, education, and research needs as provided in 2-17-512. All entities that are permitted to use the statewide telecommunications network must be qualified under terms and conditions established by the department in accordance with the Montana Information Technology Act.

(4) Except as provided in subsection (4), the statewide telecommunications network can not be used to provide statewide telecommunications network services to any entity not authorized in subsection (1) for the purpose of using any excess capacity that may be available.

(5) On behalf of the Montana university system, the department of administration may enter into agreements with educational or research institutions in other states to use the capacity of the statewide telecommunications network to meet their mutual needs for research and education.

**Insert: NEW SECTION. Section X-2. Telecommunications technology advisory council -- membership -- qualifications -- vacancies -- compensation.** (1) There is a telecommunications technology advisory council established in compliance with the provisions of 2-15-122. The advisory council consists of 8 members who are appointed as follows:

(a) the chief information officer provided for in 2-17-511, or designee, who serves as presiding officer of the advisory council;

(b) one member who is a director of a state agency, or designee, appointed by the governor;

(c) one member representing local government, appointed by the governor;

(d) two members representing private sector telecommunications service providers operating in Montana, appointed by the governor;

(e) one member representing the university system, appointed by the board of regents;

(f) one member of the Montana state senate, appointed by the committee on committees, who must be appointed prior to the appointment of the member described in subsection (2)(g); and

(g) one member of the Montana house of representatives, appointed by the speaker of the house of representatives, who may not be a member of the same political party as the member of the senate appointed under subsection (2)(f).

(2) Appointments must be made without regard to political affiliation and must be made solely for the wise management of the telecommunications technology resources used by the state.

(3) A vacancy occurring on the advisory council must be filled by the appointing authority in the same manner as the original appointment.

(4) The advisory council shall function in an advisory capacity as defined in 2-15-102.

(5) Each member of the advisory council shall serve a 2-year term and may be reappointed.

(6) Members of the advisory council must be reimbursed and compensated in the same manner as members of quasi-judicial boards under 2-15-124(7), except that legislative members are reimbursed and compensated as provided in 5-2-302.

**Insert: NEW SECTION. Section X-3. Duties of the telecommunications technology advisory council.** The advisory council shall:

(1) provide a forum to advise the department of administration on the use of the statewide telecommunications network as defined in 2-17-506;

(2) review and advise the department on:

(a) the state government agencies, political subdivisions, and other participating entities that would be eligible to use the statewide telecommunications network as provided in 2-17-512;

(b) the development of cooperative contracts for the purchase of telecommunications technology resources;

(c) major telecommunications technology budget requests;

(d) the implementation of major telecommunications technology projects;

(e) the use of emerging telecommunications technology in state government; and

(3) request information and reports that it considers necessary to carry out its advisory duties from any entity using or having access to the statewide telecommunications network, and

(4) advise the information technology advisory council as provided in 2-15-1021 on the use of network technology in State government.

**Insert: NEW SECTION. Section X-4.** Section 5-12-205, MCA, is amended to read:

**“5-12-205. Powers and duties of committee.** The committee:

(1) may organize, adopt rules to govern its proceedings, and meet as often as necessary, upon the call of the presiding officer, to advise and consult with the legislative fiscal analyst;

(2) may employ and, in accordance with the rules for classification and pay adopted by the legislative council, set the salary of the legislative fiscal analyst. The legislative fiscal analyst shall serve at the pleasure of and be responsible for providing services to the committee.

(3) may exercise the investigatory powers of a standing committee under chapter 5, part 1, of this title;

(4) shall monitor the information technology policies of the department of administration with specific attention to:

(a) identification of information technology issues likely to require future legislative attention; and

(b) the evaluation of proposed information technology policy changes and the fiscal implications of the proposed changes and shall provide written responses to the department of administration communicating the committee's positions and concerns on proposed policy changes; and

(c) the recommendations of the telecommunications technology council provided for in [section X-3];

(5) may accumulate, compile, analyze, and provide information relevant to existing or proposed legislation on how information technology can be used to impact the welfare of the state;

(6) may prepare legislation to implement any proposed changes involving information technology; and

(7) shall, before each regular and special legislative session involving budgetary matters, prepare recommendations to the house appropriations committee and the senate finance and claims committee on the application of certain budget issues. At a minimum, the recommendations must include procedures for the consistent application during each session of inflation factors, the allocation of fixed costs, and the personal services budget. The committee may also make recommendations on other issues of major concern in the budgeting process, such as estimating the cost of implementing particular programs based upon present law.”

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**Informational Statutory References Not Part of the Amendment**

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MITA Definition; 2-17-506: (9) "Statewide telecommunications network" means any telecommunications facilities, circuits, equipment, software, and associated contracted services administered by the department for the transmission of voice, video, or electronic data from one device to another.

MITA; 2-17-512; Duties of the Department: (n) shall operate and maintain a statewide telecommunications network for the use of state government, political subdivisions, and other participating entities under terms and conditions established by the department;